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November 5, 2001

Ms. Magalie Salas, Secretary
Federal Communications Commission
445 12th Street SW
Washington DC 20554

**Re: ET Docket No. 98-153 -- Revision of Part 15 of the Commission's Rules Regarding
Ultra-Wideband Transmission Systems
*Ex Parte Communication***

Dear Ms. Salas:

Pursuant to Section 1.1206(a)(2) of the Commission's Rules, on behalf of XtremeSpectrum, Inc., I am filing this letter electronically to report an oral ex parte communication in the above-referenced proceeding.¹

On Friday, November 2, Martin Rofheart and John McCorkle of XtremeSpectrum, Inc., Michele Farquhar, Esq., and Ari Q. Fitzgerald, Esq., of Hogan & Hartson, L.L.P., Veronica Haggart, Esq., and I met with Julius P. Knapp, Michael J. Marcus, Karen Rackley, John A. Reed, and Ron Chase of the Office of Engineering and Technology.

We made a proposal based on our understanding that OET is considering a ban on peer-to-peer operations as a means of limiting ultra-wideband communications systems to indoors, in order to protect certain Government receivers.

XtremeSpectrum has previously explained that a peer-to-peer ban would deny consumers many of the most attractive applications of ultra-wideband.

¹ XtremeSpectrum, with 67 employees, conducts research in ultra-wideband communications systems as its sole business. XtremeSpectrum intends to become a ultra-wideband communications manufacturer once the Commission authorizes certification of such systems. XtremeSpectrum takes no position on ultra-wideband radar applications.

At the same time, XtremeSpectrum acknowledges that a restriction to indoor operation would add 9-12 dB protection to outdoor victim receivers, due to the exterior building wall. We do not dispute the need to provide approximately this level of protection, beyond the emissions mask specified in the Notice. But we urgently ask the Commission to consider alternative ways of ensuring that protection.²

Specifically, the Commission should give manufacturers at least two regulatory options:

- Option *A* consists of the emissions mask contained in the Notice (possibly with added protection for GPS frequencies), plus a ban on peer-to-peer operations. As noted, we understand this to be the regulatory scheme presently under consideration.
- Option *B* consists of the emissions mask contained in the Notice (again, with possible added protection for GPS) *plus a required 9-12 dB reduction in emissions below that mask at frequencies less than 3.1 GHz for peer-to-peer communications*. This reduction is intended to give the same protection as a peer-to-peer ban.

XtremeSpectrum proposes limiting only those emissions below 3.1 GHz because the record indicates that all of the Government receivers requiring protection operate on frequencies below 3.1 GHz. If frequencies above 3.1 GHz genuinely require protection, they should be specified in the rules. Manufacturers should have the choice of notching down those bands when operating in peer-to-peer mode or, alternatively, providing for a reduction in emissions across the entire spectrum sufficient to protect against any harmful interference caused by outdoor operation.

We emphasize that Option *B* gives the same emissions protection to Government receivers as a peer-to-peer ban. However, because multiple regulatory options will offer manufacturers needed flexibility to meet consumer demand, they will better foster innovation and competition among manufacturers.

² XtremeSpectrum continues to believe that a ban on outdoor infrastructure is the best way to provide the necessary protection. Although such a ban allows casual, outdoor use, nearly all of which will occur within a meter of ground level, we have shown that such use is not a realistic source of interference.

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If there are any questions about this submission, please call me at the number above.

Respectfully submitted,

Mitchell Lazarus
Counsel for XtremeSpectrum, Inc.

cc: Meeting participants